

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

IRA M. BUTLER

PLAINTIFF

VS.

CIVIL ACTION NO. 3:05CV262LS

**BANCORPSOUTH BANK, a Mississippi
Banking Corporation, *ET AL.***

DEFENDANTS

ORDER

This matter came before the court on a letter sent by counsel for the Plaintiff, which, although it is not in the form of a Motion, appears to be an agreed request that this matter be continued. On April 7, 2006, the court granted an earlier Motion to Extend Discovery Deadlines and for Other Relief, and moved this case to a new trial calendar. Nonetheless, counsel asserts that, because of certain personal and professional obligations, the new schedule will not permit sufficient time to prosecute this case.

The court is sympathetic to counsel's circumstances and notes the lack of objection from the Defendants to another continuance. For these reasons, the court will move this case once more. However, the court operates under the mandate of Fed. R. Civ. P. 1, which requires it to administer the Rules "to secure the just, speedy, and inexpensive determination of every action." In order to adhere to that Rule, as well as to protect the Plaintiff's interest in having his case resolved, the court will not likely view another such request favorably.

Also before the court is a Motion to Compel, which was filed by certain of the Defendants on May 31, 2006, and to which the Plaintiff has not formally responded. Apparently, the Plaintiff has informally confessed the Motion, and may have, by this date, provided the required responses. That Motion will also be granted.

IT IS, THEREFORE, ORDERED that the Plaintiff's request for a continuance will be granted, and the Case Management Plan Order previously entered in this matter is hereby amended, as follows:

1. The trial of this matter will be held on the trial calendar that begins on May 7, 2007, and ends on May 18, 2007.
2. The pretrial conference will be held on April 16, 2007.
3. Discovery shall be completed by January 8, 2007.
4. The Plaintiff shall designate experts by October 10, 2006.
5. The Defendant shall designate experts by November 10, 2006.
6. The deadline for submitting motions, other than motions *in limine*, is January 22, 2007.

IT IS FURTHER ORDERED that the Motion to Compel Discovery Responses filed by Defendant CNA Surety Corp. and other Defendants on May 31, 2006, is hereby **granted**. Responses to any outstanding discovery requests at issue in this Motion shall be served by the Plaintiff on or before July 5, 2006.

IT IS SO ORDERED, this the 28th day of June, 2006.

S/James C. Sumner
UNITED STATES MAGISTRATE JUDGE